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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,598	09/12/2001	Tim Goldstein	10007811-1	8279

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/954,598	Applicant(s) GOLDSTEIN ET AL.	
	Examiner Gevell Selby	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 9,13-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,13-17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/10/06 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

deleting a cropped portion of the merged image such that information corresponding to the cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory, as stated in claim 9; and logic that deletes a cropped portion of the merged image prior to storing the uncropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer present in the digital camera, as stated in claim 17. The examiner respectfully disagrees.

Examiner's Reply:

Re claims 9 and 17) The Ishihama reference discloses the portion (36) inside the frame (34) is the uncropped portion of the image to be magnified and saved into memory. The portion (36) outside the frame (34) is the cropped portion of the image displayed, which is not saved to memory and; therefore, deleted when the display refreshes to display the zoomed image. (see figure 3 and column 4, lines 26-34). The combination of Chen and Burt saves memory by saving a portion of the merged image and not the entire merged image. The combination of Chen, Burt and Ishihama discloses all the claimed limitations of claims 9 and 17.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2, 5, 7-9, 13, 15-17, 20, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328.**

In regard to claim 9, Chen, US 6,552,744, discloses a method of controlling the operation of the camera, comprising:

storing, in memory of the digital camera, at least two captured images representing different image views of a scene (see column 6, lines 15-23);

merging, in the digital camera, at least two captured images to form a merged image (see column 6, lines 39-55);

displaying the merged image on a display of the digital camera (see column 6, lines 45-48).

The Chen reference does not disclose storing, in memory of the digital camera, an uncropped portion of the merged image.

Burt et al., US 5, 999,662, discloses a means for cropping a merged or mosaic image (see figure 5, element 504 and column 11, lines 8-10 and 25-26) and storing the image process merged image in memory (see figure 8 and column 14, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, to crop a merged or mosaic image and store, in memory of the digital camera, an uncropped portion of the merged image, in order for the user to easily control the selection of a portion of the image to view and save, thus saving memory by only saving the desired portion of the image.

The Chen and Burt references do not disclose deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory.

Ishihama et al., US 5,557,328, discloses a digital camera as described above in regard to claim 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, deleting a cropped portion of the merged image such that information corresponding to cropped portions of the captured images are no longer stored in the digital camera and is not stored in memory, in order for the user to easily control the selection of a desired portion of the image to view and to save memory space.

In regard to claim 17, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the camera and method for controlling the operation of the camera of claims 1 and 9 as described above, the computer readable medium is also disclosed with the features of claim 17 (see Chen figure 1, element 24).

In regard to claims 13, and 20, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Chen reference discloses wherein the at least two images of the scene are captured sequentially in time (see column 6, lines 15-19).

In regard to claims 15, and 22, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Chen reference discloses wherein said at least two images have an overlapping image field (see figure 3).

In regard to claims 16, and 23, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, 17 respectively. The Chen reference discloses wherein said at least two images have substantially the same image field (see figure 3).

4. **Claims 6, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, as applied to claims 1, 9, and 17 above and further, in view of Weldy et al., EP 0858208.**

In regard to claim 6, 13, and 21, Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, discloses the digital camera recited in claims 1, 9, and 17. The Chen, Burt and Ishihama references do not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Chen, US 6,552,744, in view of Burt et al., US 5, 999,662, and Ishihama et al., US 5,557,328, and further in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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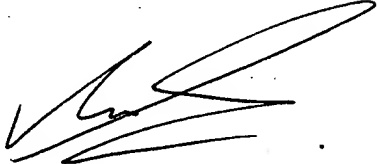
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



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